

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY as  
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY – STATE OF NEW YORK, TDX  
CONSTRUCTION CORP. and KOHN PEDERSEN FOX  
ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW  
YORK,

Third-Party Plaintiff,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY, et al.,

Fourth-Party Defendants.

Case No. 07-CV-6915 (DLC)  
ECF CASE

*Document Electronically Filed*

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**DECLARATION OF MARK T. HALL IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT TO DISMISS THE FOURT-PARTY COMPLAINT  
AS AGAINST THE FOURTH PARTY DEFENDANT OHIO CASUALTY  
INSURANCE COMPANY**

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I Mark T. Hall, declare as follows:

1. I am an Associate of the law firm of Morgan Melhuish Abrutyn, attorneys for the Fourth Party Defendant Ohio Casualty Ins. Co., (Ohio). As such I am entrusted with the handling of this matter and am fully familiar with the within facts. I submit this Affirmation in support of Ohio Casualty Ins. Company's Motion for Summary Judgment seeking to dismiss the Fourth Party Complaint of Trataros Construction Co., (Trataros) and Travelers Casualty and Surety Company (Travelers).
2. A true and correct copy of Prime Contract No. 16 is annexed hereto as Exhibit "A".
3. A true and correct copy of Crocetti Subcontract is annexed hereto as Exhibit "B".
4. A true and correct copy of the Floor Leveling Change Order is annexed hereto as Exhibit "C".
5. A true and correct copy of the Conflow Purchase Order is annexed hereto as Exhibit "D".
6. A true and correct copy of the Defective Flooring Correspondence is annexed hereto as Exhibit "E".
7. A true and correct copy of several Repair Tickets is annexed hereto as Exhibit "F".
8. A true and correct copy of the Third Party Complaint in 04 Civ. 5101. is annexed hereto as Exhibit "G".

9. A true and correct copy of the Complaint in R&J Construction Corp. v. Trataros Construction Inc., et al., Index No. 113225/2003 is annexed hereto as Exhibit "H".

10. A true and correct copy of the Crocetti's Answer in R&J Construction Corp. v. Trataros Construction Inc., et al., Index No. 113225/2003 is annexed hereto as Exhibit "J".

11. A true and correct copy of the Bartec's Answer in R&J Construction Corp. v. Trataros Construction Inc., et al., Index No. 113225/2003 is annexed hereto as Exhibit "K".

12. A true and correct copy of the Fourth Party Complaint in 04 Civ. 5101. is annexed hereto as Exhibit "L".

13. A true and correct copy of TDX Construction's correspondence refusing to issue change order for floor repairs is annexed hereto as Exhibit "M".

I Declare under the penalties of perjury that the foregoing is true and correct.

Executed this 8<sup>th</sup> Day of August, 2008 at Livingston, New Jersey

**MORGAN MELHUISE ABRUTYN**  
**Attorneys for Defendant, Ohio**  
**Casualty Insurance Company**

s/ Mark T. Hall

By: \_\_\_\_\_  
MARK T. HALL (MH3275).

Dated: Livingston, New Jersey  
August 8, 2008